05/10/2004 13:42 FAX 5034256801

Certificate Of Transmission

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office at telephone number (703) 308-7952 on May 10, 2004.

Respectfully submitted,

Registration Number 51,255 Banner & Witcoff, Ltd.

<u>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</u> BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of Group Art Unit: 3728 Joel L. PASSKE, et al. Examiner: Stashick, A. Serial Number 09/887,523 Attorney Reference: 005127.00094 Appeal Number 2004-1294 Filed: June 21, 2001 For: FOOTWEAR WITH BLADDER FILTER

RESUBMISSION OF REQUEST FOR ORAL HEARING

Commissioner for Patents United States Patent and Trademark Office Alexandria, VA 22313

Sir:

Included with this correspondence is: (1) a copy of a previously-submitted Request For Oral Hearing dated July 25, 2003 and (2) a copy of a return postcard that is stamped with a date of July 25, 2003 by the Office of Initial Patent Examination to acknowledge receipt of the Request For Oral Hearing on July 25, 2003.

A recently-received Docketing Notice, dated April 28, 2004, states "Request for Hearing filed on: None." Accordingly, Appellants respectfully resubmit the Request For Oral Hearing pursuant to 37 C.F.R. §1.194 and respectfully request that an oral hearing be granted in the above-captioned appeal.

Appellants authorize the Commissioner to charge a fee of \$280.00, as set forth in 37 C.F.R. §1.17(d) on the date in which the Request For Oral Hearing was originally submitted, to deposit account number 19-0733. Should additional fees be necessary in connection with this Resubmission, the Request For Oral Hearing, or the Appeal Brief, the Commissioner is authorized to charge the cost of the additional fees to the above deposit account.

Respectfully submitted,

By:

Byron S. Kuzara

Registration No. 51,255

Banner & Witcoff, Ltd. 1001 G Street, N.W. Washington, D.C. 20001-4597 Telephone: (202) 824-3000

Dated: May 10, 2004

<u>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</u> BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re I	Application of)
) Group Art Unit: 3728
	Joel L. PASSKE, et al.)
Comini	North of 00/007 502) Examiner: Stashick, A.
Зепаі	Number 09/887,523) Attorney Reference: 005127.00094
Filed:	June 21, 2001) Attorney Reference. 003127.00094
_) · · · · · · · · · · · · · · · · · · ·
For:	FOOTWEAR WITH BLADDER FILTER)

REQUEST FOR ORAL HEARING

Commissioner for Patents U.S. Patent and Trademark Office Alexandria, VA 22313

Sir:

Appellants respectfully request an oral hearing pursuant to 37 C.F.R. §1.194 in the appeal in the above-captioned patent application. Appellants authorize the Commissioner to charge a fee of \$280.00, as set forth in 37 C.F.R. §1.17(d), to deposit account number 19-0733. Should additional fees be necessary in connection with this Request or the Appeal Brief, the Commissioner is authorized to charge the cost of the additional fees to the above deposit account.

Respectfully submitted,

By:

Byron S. Kuzafa

Registration No. 51,255

Banner & Witcoff, Ltd. 1001 G Street, N.W. Washington, D.C. 20001-4597 Telephone: (202) 824-3000

Dated: July 25, 2003

HAND CARRY Group/Suction		_Bldg	12.	Ro	
Marine 19/200 Sept.			-	<u> </u>	1.00
		P. L.			
		7 (i) (i)			
This infloring has timen received in the U.S. Periors on	d Torderna C			30.00	+ + +
tion prispers, bullion of all Chairs		ASSESSED VALUE			and the second
to an understanding the state of the state o				64.00	7 T
Domines Divinis Claregins		對於		9.23	
Control Park of Street District District	<u> </u>				201
Andrews States I Dennie Dunes		3516 (GP 144 36	No. of Contrast		6
DS MINE THE PARTY CONTRACTOR					ندهد سد ند
Thinking street, and Secretary DAW .	3	Color of the			1 2 5 and
and the state of t			THE PARTY	17. 17.	
Course Courses Courses		ew -	AND .		Section Section
Option Print Desirates		יינט מי שושני			
Action Communication Source Survey Su			THE REAL PROPERTY.	California -	
List Providence of the State Control State		The same	DIDELR	Falkin to Chi	2034921
		10. 10.			572 1
Charles and the state of the st	, -	Calet:	A STATE OF THE PARTY OF	i.	2.00
Particular of Experience Courts From Harrison Co. Assigned Response for Confederal Co. O. Fifter Phinters Response to Resolution Bacalon Resolutions		- 10 - 10 - 5 3 V	44.7		A.M. (1971)
Regulative Consider D Filter Flexing D Assigner	March 12 march	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	1 8		
Mastration Personal Conference of the Conference	سنبدد			````	200
	•			•	
		•		· , .	
· . · ·		•	•		•
3 = 9 2 2 3 1 1 1 1 1 1 1 2 2 2 3 TK. B.	5 6				
in types of losses that the first service with post the first service that the DNA Dy Toxing and the But that the first service the many vary toxing and the But that the first service the many vary toxing the But that the first service the many vary toxing the But the	Dell must be presented made within 90 days or flice.	当			
And the control of th	cel must be presente made within 90 days. filoe.	2	🐎 🖴		
cinc types of the halo before the proof of th	O. O. 149861.	ana≱(ur			

Number of Items Sold: 1

Thank You Please come again! SANN SOL ٦,

1

,,,

					1.98	Billed Order Total:	Billed					
	,				1.98	Bill Date 040104 Total:	Bill Date 0					
	z	1.98	~	-	1.98	1.98	006970	040104	Ø	GY7GQ24Q239956	4023	17078
					220.30	Unbilled Total:	ç					
	z	0.40	~	>	0.40	0.40	006970		Ø	GY7GQ240239955	4023	17078
	z	1.44	≺	۶	1.4	1,44	006970		Ø	GY7GQ240239954	4023	17078
	z	14.36	~	Þ	14.36	14.36	006970		Ø	GY7GQ240238953	4023	17078
	Z	35.64	~	Þ	35.64	35.64	005970		ß	GY7GQ240239952	4023	17078
	z	135.24	≺	Þ	135.24	135.24	005970		Ø	GY7GQ240239951	4023	<u>0.</u> 17078
	z	23.04	~	Þ	23.04	23.04	006970		ဖ	GY7GQ240239950	4023	Ø1/ 17078
	2	10.18	≺	>	10.18	10.18	006970		s	GY7GQ240239949	4023	Ø1 [7078
_	Billing Indicator	Unbilled Amount	Status Code	Action Code	Billed Amount	Original Amount	Auth Code	Biii Date	Billing Melhod	Requisition Number	Order Date	ession
						er: 817078	Session Number: 817078	Se			04	5/10/2004

Laverne Anith

TOTAL P.01





601 SW SECOND AVENUE, # 1900 PORTLAND, OREGON 97204

TEL: 503.425.6800 FAX: 503.425.6801 www.bannerwitcoff.com

	FACSIN	IILE TRANSMITTAL SHEET
To:		FROM:
Board of A	ppeals	Byron S. Kuzara
COMPANY:	,	DATE:
U.S.P.T.O.		May 10, 2004
FAX NUMBE	iR:	TOTAL No. of PAGES:
703-308-79	952'	5
Re:		OUR REFERENCE No.:
	, 2004-1294 No. 09/887,523	005127.00094
If you do n	ot receive all page(s) or have	any problems receiving this transmission, please call:
NAME:	Lesa Wolman	PHONE: 503-425-6800

COMMENTS:

APPEALS &
INTERFERENCES

IMPORTANT/CONFIDENTIAL: This message is intended only for the use of the individual or entity to whom it is addressed. This message contains information from the law firm of BANNER & WITCOFF, LTD, which may be privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, retention, archiving, or copying of the communication is strictly prohibited. If you have received this communication in error, please notify us immediately at our telephone number listed above. We will be happy to arrange for the return of this message to our offices at no cost to you.

CHICAGO

WASHINGTON, D.C.

BOSTON

PORTLAND, OR